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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert J. Ein)
Serial No.: 09/769,727)
Filed: January 26, 2001)
FOR: THERAPEUTIC APPARATUS)

) Art Unit: 3742
Examiner: John A. Jeffery

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT BY FAX

ATTENTION: Examiner John A. Jeffery

LETTER

Sir:

This letter is in confirmation of a telephone interview earlier this afternoon, September 2, 2003, that the undersigned had with the examiner, John A. Jeffery, concerning mailing by the United States Patent and Trademark Office (hereafter "the Office") of an Office communication concerning the examination of the referenced patent application. The Office communication in question was mailed at some point in time subsequent to the filing by applicant's attorney of an amendment on or about May 9, 2003. The amendment was filed in response to an earlier Office communication, dated February 11, 2003.

The applicant recently advised the undersigned by telephone that he had received the Office communication in question through the mails, and had telephoned Mr. Jeffery to advise him that the paper should have been sent to his attorney, rather than to himself. Applicant's attorney was not at the time and has not been provided with a copy of the

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Office communication. Rather, the applicant requested the undersigned to contact Mr. Jeffery and determine what had happened.

It now appears that the Office communication in question sent by the Office to the firm Foley and Lardner was forwarded to the applicant. Foley and Lardner previously had a Power of Attorney in connection with the application, although that Power of Attorney was terminated when the Power of Attorney to Samuel B. Smith, Jr., Stoll, Keenon & Park, LLP was recognized by the Office.

A facsimile of the "Notice of Acceptance of Power of Attorney," filed January 29, 2003, accompanies this Letter.

It is requested that Mr. Jeffery order the file of the referenced application, determine the proper Power of Attorney, make whatever correction is necessary in the Office's records to reflect a Power of Attorney in Stoll, Keenon & Park LLP, and remail an Office communication that is responsive to the amendment, filed on or about May 9, 2003.

Should Mr. Jeffery have any question about this matter, please contact applicant's attorney at

Stoll, Keenon & Park LLP
300 West Vine Street, Suite 2100
Lexington, KY 40507-1801

Telephone: 859-231-3030

Respectfully submitted

Samuel B. Smith, Jr.
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/769,727	01/26/2001	Robert J. Ein	035887-0106

CONFIRMATION NO. 5192



•OC00000009477261•

Date Mailed: 02/05/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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ATTORNEY/APPLICANT COPY

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